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Federal Communications Commission
Office of Secretary

February 10, 2006

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: Report of Ex Parte Communications
DA-06-123
RM-10335, RM-11203, RM-9498, RM-10024
EB Docket No. 04-296
ET Dockets 95-18 and 00-258
WT Docket 02-55
MB Docket No. 05-312, FCC 05-912
MB Docket No. 03-185, FCC 04-220

Dear Secretary Dortch:

Pursuant to Sections 1.1206(a)(2) and (b) of the Commission's Rules, this is to report that the officers and certain directors and members of the Community Broadcasters Association (the "CBA") held meetings on February 8, 2006, with Commission personnel at which oral *ex parte* presentations were made. A written *ex parte* presentation comprised of a document summarizing the issues discussed at the meetings was left with the individuals from the Commission that attended the meetings. A copy of the document is attached hereto. Ex parte notices were filed electronically in the above referenced proceedings on February 9, 2006.

The officers, directors and members of the CBA that were in attendance were:

Jason Roberts, President of the CBA and Counsel of Equity Broadcasting, Inc.;
Gregory Herman, Vice President of the CBA and President of WatchTV, Inc.;
Amy Brown, Secretary and Treasurer of the CBA and MTV Latino;
Gregory Phipps, a Director of the CBA and President of Metro Video Productions, Inc.

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Louis A. Zaroni, a Director of the CBA and President of WZBN-TV, Inc.;
Ronald Bruno, a member of the CBA and President of the Bruno Goodworth Network, Inc.
Paul Koplin, a member of the CBA and President of Venture Technologies Group, LLC
Nathaniel Hardy, Esq., counsel to the CBA, Irwin, Campbell & Tannenwald, P.C.

The officers, directors and members of the CBA listed above met with the following individuals:

Commissioner Jonathan S. Adelstein
Heather Dixon, Legal Advisor to Chairman Kevin J. Martin
Rudy Brioché, Legal Advisor to Commissioner Adelstein
Jordon Goldstein, Legal Advisor to Commissioner Michael J. Copps
Roy Stewart, Senior Deputy Bureau Chief, Office of the Bureau Chief, Media Bureau
William Johnson, Deputy Bureau Chief, Office of the Bureau Chief, Media Bureau
Barbara Kreisman, Division Chief, Video Division, Media Bureau
Clay Pendarvis, Associate Division Chief, Video Division, Media Bureau
Molly Fitzgerald, Associate Division Chief, Video Division, Media Bureau
Mary Beth Murphy, Division Chief, Policy Division, Media Bureau
Eloise Gore, Assistant Division Chief, Policy Division, Media Bureau
Ronald Parver, Assistant Division Chief, Policy Division, Media Bureau
Joyce Bernstein, Media Bureau
Ben Golant, Media Bureau
Kim Matthews, Media Bureau

Any questions regarding the meetings detailed herein should be directed to the undersigned.

Respectfully submitted,


Nathaniel J. Hardy

Attachment

cc: (by e-mail) Commissioner Adelstein, Commissioner's Staff, and
Media Bureau Staff listed herein.

COMMUNITY BROADCASTERS ASSOCIATION

ISSUES AFFECTING THE LPTV AND CLASS A INDUSTRIES

February 8, 2006

1. The CBA appreciates the FCC's announcing the filing window for LPTV, Class A and TV Translator digital companion channels. *See* DA-06-123. It is the CBA's understanding and interpretation of the Public Notice announcing the filing window that Class A applicants will NOT lose primary status on their channel, and that if they decide to turn in their analog channel and only operate on their digital channel, Class A protection shifts/affixes to that authorization.
2. The FCC needs to take action on the longstanding Venture Technologies petition that would allow LPTV and Class A stations to assert syndicated exclusivity and network nonduplication rights so that these licensees can realize the benefit of their affiliation/programming contract rights. *See* RM-10335, RM-11203. This becomes even more important as content becomes increasingly available and with the merger of WB and UPN.
3. As noted in the CBA's comments filed in the Distributed Transmission Facilities proceeding, we support the FCC's tentative proposal that Class A stations have the ability to operate a single frequency network of commonly owned digital Class A stations. *See* MB Docket No. 05-312, FCC 05-912. The FCC should extend this capability to LPTV stations, as they operate in areas where interference and service coverage may cause reception issues in the digital world. In addition, the FCC should allow flexibility beyond the ATSC technical standard to allow for testing to find the optimal method of serving the public.
4. The CBA filed comments in the digital EAS proceeding stating that the system should be automated so that it can be operated and monitored remotely by unattended stations. Video programming distributors should not be required to provide the same information for visual and aural EAS messages and additional requirements should not be imposed for non-English EAS messages at this point in time. *See* EB Docket No. 04-296.
5. Nextel's relocation plan should not affect LPTV and Class A stations currently operating 2 GHz mobile engineering vans, as these stations are not a secondary service under our interpretation of the FCC rules. *See* WT Docket 02-55; ET Docket 00-258; RM-9498; RM-10024; ET Docket 95-18.
6. The Class A modification freeze should be lifted. The digital television landscape is much more complete and therefore Class A modifications will not cause the confusion and interference issues that formed the basis for the initial freeze. There are numerous Class A stations operating with modified facilities pursuant to STAs, which shows there will be no undue harm in lifting the freeze. *See* MB Docket No. 03-185, FCC 04-220.
7. The CBA urges the FCC to reopen a window for filing for new Class A classifications for those LPTV stations that meet the eligibility requirements. The digital landscape is now much more comprehensive, and therefore the interference issues are no longer a concern. The need for primary status protection for qualified LPTV stations, oftentimes the only provider of local programming or ethnic programming in a market, is paramount during the digital transition.